



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8  
999 18<sup>TH</sup> STREET - SUITE 300  
DENVER, CO 80202-2466  
Phone 800-227-8917  
<http://www.epa.gov/region08>

SDMS Document ID



2030581

June 19, 2003

Ref: ENF-L

Robert A. Emmett, Esq.  
Senior Environmental Counsel  
W.R. Grace & Co.  
7500 Grace Drive  
Columbia, Maryland 21044

Dear Bob:

I am writing to inquire as to Grace's progress in reviewing the model administrative order on consent for removal actions which I sent to you on May 12, 2003. Grace has indicated its interest in working with EPA on future cleanups, so its willingness to discuss the terms of this agreement is critical. To the degree that Grace is contemplating participating in work this year, such discussions must start in the very near future.

As I have discussed with you, Region 8 intends to track this national model very closely in this case. The only significant changes contemplated are to remove the requirement for payment of past response costs and to add a provision for advance oversight cost payments. Both of these changes are necessitated by Grace's bankruptcy status. Wherever possible, EPA will use facts that were agreed upon by all parties in the Libby litigation, although this may not be possible in all cases. Nonetheless, all language would be subject to negotiation.

Please provide me Grace's written concerns on the national model as soon as possible. That will allow me to quickly provide responses and move us forward towards a cleanup. You can reach me at (303) 312-6853.

Sincerely,

Matthew Cohn  
Legal Enforcement Program



Printed on Recycled Paper